



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

RECOLLECTIONS OF EARLY RACINE¹

APPLETON MORGAN, LL.D.

I was carried to Wisconsin an infant in arms in 1849, and at man's estate left it for my present location. The only episodes I vividly remember that have gotten into Wisconsin history (and been written threadbare) were the Booth fugitive slave affair at Racine and Milwaukee, and the Barstow-Bashford governorship controversy in which my father had some sort of part to play for the Republican claimant. I was a boy along with your present Chief Justice Winslow who used to ride to Racine College on my pony (a four-legged Canadian, not a Caballus to assist us in Greek) after I had sold him to the Judge's father when I came East—for I suppose I am about ten years older than Wisconsin's distinguished Chief Justice. I can't remember much of early days in Wisconsin except that my father was a member of the law firm of Doolittle, Cary & Morgan, and that Judge James R. Doolittle was once circuit judge of Racine County, and that his successors, Judges John M. Keep (of Beloit), David Noggle, and William P. Lyon, were all frequent guests at my father's board; that Judge Doolittle was afterwards a prominent United States senator, and that Mr. John W. Cary afterwards moved to Milwaukee where he became chief counsel of the Chicago, Milwaukee and St. Paul Railway; that my father used sand instead of blotting paper—the black variety which abounded on the beach of Lake Michigan just north of Racine—(a place known I think as “The Point”)—whereto, when I played hookey, I felt myself as mitigating my punishment by scooping up an offering of black sand for the firm of Doolittle, Cary & Morgan. I recall my father saying that the Wisconsin bar was the most brilliant of any state, and indeed it was, with such men as Matt Carpenter

¹ Contributed informally, in response to the editor's request.

at its head! Peyton Randolph Morgan, my father, was the son of Brigade-Major Abner Morgan, who served as major of the first Massachusetts Continentals with General Montgomery's Northern army and until mustered out after Burgoyne's surrender on the field of Saratoga. For his Revolutionary services Major Morgan received a grant from Congress of some 20,000 acres of land in what is now Livingston County, New York, including the bulk of the present towns of Lima and Avon. And it was in the latter town that my father first began the practice of law, and where he first met Judge Doolittle—who was later to follow him to Wisconsin and become his law partner—a judge and a distinguished United States senator, the friend and adviser of Lincoln, and afterwards a supporter of the measures of President Johnson. It may be added, by the way, that my father in Livingston County was at one time the law partner of another and later Wisconsin United States senator, Angus Cameron, whom he also influenced to become a citizen of Wisconsin. Racine was a convenient change of venue from Milwaukee and I well recall how the news went round among us boys (all of whom proposed to be leading lawyers some day) whenever the big lawyers from Milwaukee had got some cause celebre on trial at the little wooden courthouse on the public square in Racine.

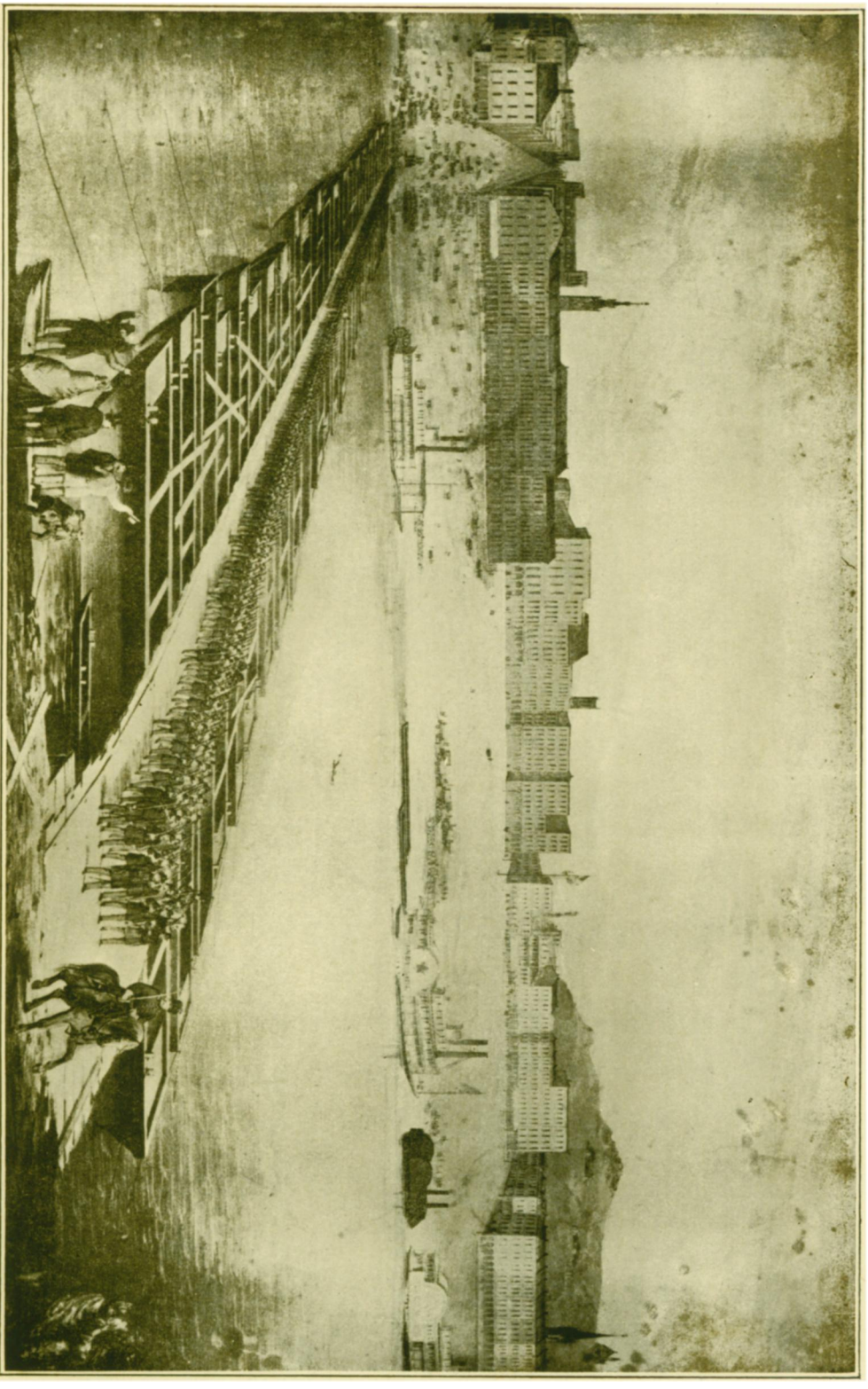
Brought up an abolitionist, I remember my surprise at seeing Judge Andrew Miller of the United States District Court at Milwaukee when a guest at my father's dinner table, and finding him a gracious and courtly gentleman! That a judge who had sentenced a man to jail for breaking a law of the United States that gave a runaway slave back to his master should not have horns and hoofs and breathe blue flames from his nostrils—was inexplicable to me! As a matter of fact I think I am right in saying that Wisconsin was the first state in the Union to declare the Fugitive Slave Law unconstitutional and to refuse to obey it and to substitute a

Personal Liberty Law in its place. At any rate I remember that Racine was an intensely loyal precinct during the Civil War and that it was an off-day in the calendar when some citizen who might have said something convertible into a suspicion of "Copperheadism" was not obliged to raise a flag over his domicile (even if the town had to supply the particular stars and stripes for the purpose) and to swear that he had no Southern predilections. The coercion in such cases was supplied by a procession of citizens which constantly grew as it marched until it reached the suspected-disaffected man's home. There was always certain to be a chaplain in the procession to administer the oath of loyalty!

During the entire war there hung in the postoffice at Racine a heavy collar of rough iron with three or four prongs about eight inches tall projecting upward therefrom. This was sent us by Col. William L. Utley, a Racine man, who was colonel of one of the Wisconsin regiments which were at the time quartered somewhere in Kentucky. It seems that a negro had come into the camp of the regiment wearing this collar which his master had ordered welded around his neck "to teach him not to run away," and that Colonel Utley had ordered it taken off and the negro given employment in the camp. As this was after Lincoln's preliminary proclamation of emancipation—whose terms excepted the state of Kentucky—this was a risky thing for Colonel Utley to do. And so, when some days after, the negro's owner, one Judge Robertson, who, as I remember, was a justice of some higher Kentucky state court, drove up in a coach and four and demanded his slave of Colonel Utley, it behooved the Colonel to be circumspect in his reply. "Paris is worth a mass," said Henry the Fourth when reproached with apostatizing to retain his throne; and the loyalty of the border states—always a ticklish thing in the diplomacy of those days—was worth one poor runaway slave! But the Wisconsin Colonel was equal to the dilemma. He received the Judge with dignity

and deference. "I am almost sure that your runaway slave is here at this moment in my camp," he said. "You are at liberty to go and come as you desire through the camp, and will be amply protected, and if you find your slave you can make him any inducement or offer you please to return with you, and no opposition will be offered by any of my men to his accompanying you. But of course," added Colonel Utley, "I have no right to order my men to perform anything but their military duties, and there is only one provost marshal to a thousand men and he may not be in camp at present to restrain any undue activity of my men outside of their strictly military duties." At least Colonel Utley is credited with words to this effect upon that occasion. Whether it was because Judge Robertson was himself of Falstaffian proportions, or because he perceived an absence of cordiality in the bearing of the thousand soldiers among whom his search was to be conducted, His Honor appears to have agreed with Sir John that the better part of valor is discretion, and to have ordered his coachman to drive him thence sans his proprietary negro! This did not prevent, him, however, from instituting a civil suit in the Kentucky Supreme Court against Colonel Utley personally for the value of the slave, which suit, as Colonel Utley did not defend, went to judgment, and a transcript or exemplified copy of such judgment being filed in the office of the clerk of the circuit court for Racine County, the same—by Federal comity—became a judgment of the Racine Circuit Court against Colonel Utley in his home county. I suppose this judgment is still on record in the clerk's office of Racine County. But I am sure it is superfluous to add that no sheriff of that county or of any other ever received an execution against Colonel Utley—or, if he did, ever levied thereunder upon any assets of Colonel Utley or of Colonel Utley's estate.²

² A somewhat different account of Colonel Utley's encounter with Judge Robertson of Kentucky is given in E. W. Leach, *Racine County Militant* (Racine, 1915), 97-106. Mr. Leach says that Colonel Utley paid the \$1,000 judgment, but was afterwards reimbursed by the state.—Ed.



**COLONEL UTLEY LEADING THE TWENTY-SECOND WISCONSIN INFANTRY
INTO KENTUCKY, SEPTEMBER 22, 1862**

From a copy of a war-time lithograph in the Wisconsin Historical Library

My father was, I believe, as long as he lived, Senior Warden of St. Luke's Episcopal Church, Racine, and about the year 1850 was instrumental in persuading the Rev. Roswell Park, D.D., to accept its pulpit. Dr. Park was a graduate of West Point, who, after service in the army, had resigned to become head master of a boys' school at Pomfret, Connecticut, where one of his pupils (and it must be confessed one of the most unruly) was the great artist, James McNeill Whistler. Dr. Park was not contented with being simply Rector of St. Luke's. He wanted another boys' school, but on consultation with my father he determined upon something more ambitious. The two consulted with Bishop Kemper (whose name must never be omitted from the list of great men that Wisconsin has contributed to the nation) and the result was Racine College! My father went to Madison and obtained its charter, and remained to his death one of its trustees as well as its legal adviser. Both he and Dr. Park lived to see it an eminent institution of learning. Today Racine College's diploma is recognized by every university and university club in the world, and its distinguished alumni, like your own Chief Justice Winslow, sit on the bench and in the councils of every state in the Union and speak from a thousand church pulpits.

One little anecdote of the Rev. Dr. Park I may recall. He was, as I have said, a graduate of West Point, taking commission in the Engineers. When he made Racine his home he bought a handsome property directly on the lake shore, about a mile north of the beautiful tract of grove and highland selected for the college grounds, and just within Racine town limits. Now at this time (I hope it has reformed at present) Lake Michigan behaved very badly to the Racine men who happened to own real estate upon its banks. It every year ate up its banks, indifferent as to how much beach (created by building long narrow cribs, filled with broken rock, out into its naughty waters) its waves had to wash over in order

to reach its prey. Dr. Park, being an engineer, determined to pit his professional skill against Lake Michigan. He constructed a sort of convex sea wall, built so that it slanted towards the open lake, the full width of his land (as well as piers galore), the result of which was that Lake Michigan surrendered at discretion and gave up eating away Dr. Park's home acre. It had its revenge, however, elsewhere. Dr. Park, indeed, Lake Michigan ceased to tackle, but it compensated its appetite by eating away the bank to the south of him, until the worthy Doctor found himself on a veritable promontory, while (if I remember rightly) all the residents between Main Street and the lake bank were routed and there remained only a narrow ridge the whole distance southward from Dr. Park's estate to the college campus. Now when the war broke out one of the Wisconsin camps of instruction was laid out just north of the college grounds, between the college and the city of Racine. When there was artillery practice at the camp of course the fieldpieces were pointed out over the lake, where in winter the icebergs afforded tempting targets. But by some freak the shot fell so thickly upon Dr. Park's promontory that he was obliged to send a messenger with his compliments to the commandant at Camp Utley to ask why his country's flag (always kept full-mast over his cupola) no longer protected an ex-officer of Engineers in the United States Army?

Though a new college, there was nothing new-fashioned or new-fangled about the Racine of my day. Her curriculum admitted no electives nor equivalents such as were already beginning to creep into even Columbia and Harvard, and she insisted upon Greek as Sarah Battle insisted upon her whist—the full rigor of the game! If we did not know our Euripides, or whatever author it was, Professor Dean (newly-imported from Columbia) would sit back and grin sarcastically at us, and his sarcastic grin was more fearsome to the

sinner than a whip of small cords.³ For fully fifty years after leaving Racine, if I ever had a nightmare, it took the form of being called to take that chair in front of Professor Dean's table and undertake the hopeless task of camouflaging him into the delusion that I had any remote conception of the meaning of the ten lines of Greek he selected for my confusion! All Racine's professorships were filled with able men—Professor Passmore from St. James College, Maryland, whose farm was a part of the battlefield of Antietam,⁴ Dr. Falk from Heidelberg,⁵ Professor La Bombarie from the Sorbonne. The latter was the best teacher of the French language and literature I ever knew in the United States.⁶ Whatever Racine may have lacked, she never made the mistake of calling inferior professors to her chairs.

Racine's second president (the president of my days as a student there—his official title was "Warden") was the Rev. James de Koven, who speedily became too great a man for any one state to claim. Going as a delegate to a general convention of the Episcopal Church held in old Saint John's Church in New York City, he made a speech that so electrified the convention that the house "rose" at him, and the enthusiasm communicated itself to the vestibules and cloisters of the church outside. He was soon elected to three state or diocesan bishoprics, besides being invited to become an assistant rector of Trinity Parish, New York City, ranking next to the Rev. Morgan Dix, its Rector-in-chief, but he declined all these honors, and remained with Racine until his death.

The Racine of my boyhood, like Cæsar's Gaul, was divided into three parts. Across Root River to the north

³ Rev. George W. Dean, D.D., held the chair of Latin and Greek at Racine College from 1864 to 1872.—Ed.

⁴ Rev. Joseph C. Passmore, D.D., had been for twenty years professor at St. James, Maryland, before he came in 1862 to Racine, where he remained four years.—Ed.

⁵ Rev. Alexander Falk, Ph.D., D.D., came to Racine in 1867 as professor of German, and held several chairs in addition to that of German, including history from 1867 to 1872; French from 1878 to 1887 and probably later.—Ed.

⁶ Professor M. L. Bombarie was, according to its printed history, at Racine College until 1878.—Ed.

was a sort of purlieu called—from a man of Canadian birth named “John” (what else nobody ever knew) who had been a woodsman in Michigan in my father’s employ—“Canada.” Then to the west across the bend of Root River was “Sage-town” (“Sage’s addition to the City of Racine” as designated on the maps) and here, a mile or so from the river, was to penetrate the first right-of-way of the Chicago and Milwaukee Railroad—from whence an already ancient stagecoach was to carry any passengers that fate or fancy sent thither—to the heart of Racine itself—some ten years later than the date of which I am now writing. It was not until the outbreak of the Civil War or the year before, that Racine had a real harbor, when the government dredged the mouth of Root River and ran long jetties on either side out into the lake. Up to that time our only access to the world south or east of us was by two precarious-looking piers—like bridges that had started to cross the lake and stopped at fifty feet or so—at which steamboats landed. To the west Racine’s only access or egress was by way of what—even to my tender years—it was a joke to call “the Plank Road.” Planks there doubtless were at the bottom of it, which the tollgates thereon may have gathered in revenue enough occasionally to renew. But all that was visible on the surface of this thoroughfare was a rich black mud that any slight snowfall or heavy dew made into molasses! And yet over (or, it were better to say, through) this channel the farmers waded with loaded farm-wagons piled with sacks of wheat. These sacks were first dumped into the public square for inspection by factors, and then loaded in bulk upon schooners and carried—I fancy—to Chicago. This was the only commerce I, in my boyhood, saw in the town or “city” of Racine. When, later, the town and the adjacent farmers mortgaged their all to build a railway, no sooner did this railway reach another railway running into Chicago, than lo! this wheat from which Racine derived its commerce sought the better market, and Racine was left high and dry!

Just about fifty years afterwards, I used this example of how impotent railways or the builders of railways are to divert trade channels from points that geography has designed for a plexus of trade, in arguing against the first Interstate Commerce Law. This, it will be remembered, proposed, by some mysterious dispensation of providence, to accomplish that very thing. But such is shortsighted man! The history of the Wisconsin farm-mortgage policy it is not for me to write. I believe it is or was synonymous with all-around disaster.⁷ But I remember the furore in Racine over the wonderful growth of Chicago. I remember hearing my father telling my mother that Chicago, incredible as it might seem, had fifty thousand inhabitants! The construction of the Racine and Mississippi Railroad which (nobody seems ever to have paused to ask why, or for what trade in sight) was to connect the lake at Racine with the big river was to make Racine City a rival of Chicago itself! There was something vastly tempting and picturesque in connecting the greatest all-American lake with the greatest all-American river by a railroad! Nature had connected them by a brief portage between the headwaters of the Fox River that emptied into the lake at Green Bay and the headwaters of the Wisconsin River that debouched into the Mississippi for the occasional voyageur or missionary (or tracer of the tracks of these, like the Prince de Joinville in 1841) who should go from one to the other. But to predicate such an annual passage of tourists between as would—without feeders—support a railway that should connect those two great alienated waterways was, perhaps, Racine's sense of poetic justice. At any rate she paid in full for the privilege of building such a railway.

I remember what a gala day in Racine it was when my father's client, Henry S. Durand, lifted the first spadeful

⁷ An excellent account of the farm mortgage episode in the history of Wisconsin may be found in Merk's *Economic History of Wisconsin During the Civil War Decade* (Madison, 1916), Chap. IX.—Ed.

of Wisconsin earth for the Racine and Mississippi Railroad. I remember the first locomotive, a puny little affair garlanded with prairie flowers. Having been born in Portland, Maine (where they built at that time the earliest locomotives) I had often seen these little affairs and wanted to pat their glossy sides, banded every few feet with shiny brass, with their big balloon-like smokestacks which seemed to me to be made of dull black leather. They ran up alongside of you quite confidently as you stood on the platform and were easily in reach. I don't know where one could find a sample of a locomotive of seventy years ago now, though one or two of our earliest are still kept in our railway museums for contrast with the massive giants of today. These ancient locomotives used to have glorious landscapes and seascapes peopled with Indian maidens (that is, the landscapes were so peopled) painted on their tenders. And in those days, when three or four locomotives was a big allowance for one railway line, these paintings were done by real artists at no inconsiderable outlay. As soon as our little railroad grew long enough to require a second locomotive, another appeared. The first, of course (the custom of the day when locomotives were few and hauls were short), was named, instead of numbered, and was the "Henry S. Durand," for the R. & M.'s first president. When no longer a mere shuttle railway, a second engine, called after the first general counsel of the line, the "Marshall M. Strong,"^s was placed on duty. These two locomotives—a discrimination between engines for freight and passenger service was quite unnecessary—did duty on the R. & M. for many a long day. Indeed a third engine (the first coal-burner—with long, slim smokestack, forerunner of the

^s Marshall M. Strong, like his namesake—though, I believe, no relative—the Hon. Moses M. Strong, was a distinguished lawyer in early Wisconsin annals. We had a rather melancholy association with him in that the first house in Racine which my father bought upon settling there was famed as having been saved, by snowballing, from catching fire from the conflagration of the house which stood next it on Seventh Street. The latter house, occupied by Mr. M. M. Strong, caught fire one night during his absence from town; it burned to the ground, his wife and two children perishing in the flames.—A. M.

stacks of the present day which huge boilers make look like nubbins—which I ever saw) proved a costly superfluity, and was soon sold to the Chicago and Milwaukee Railway Company at a poor profit as I remember to have heard.

Well I remember how all Racine was en fête on the day the Racine and Mississippi Railway was opened to "Ives Grove" (a point some four miles westward) and another gala day when it had gone five miles farther to "Union Grove" (whether there are such names now I know not).⁹ But, about synchronizing with the railway's arrival at Union Grove, the first year's interest on those terrible mortgages began falling due, and there were no more gala days! It was a maxim of that wiser man than Solomon—the *Sieur de la Rochefoucauld*—that "*Il faut toujours d'aimer ses ennemis mieux que les amis; parceque les ennemis ne donne pas nous le bon conseil.*" Happy would it have been for the Racine of those days if only her enemies had advised her! But her friends convinced her that she needed a railroad, and she built one. I wonder is there anybody but myself still living who remembers her days of *sturm und drang* when those mortgages began to be foreclosed? As to the Racine and Mississippi itself, it passed either by foreclosure or otherwise into the hands of the Scotch bondholders, and a group of young Scotsmen and Englishmen quite repeopled Racine society and socially somewhat compensated for the bankruptcy which threatened the city as well as the county of Racine, from which at about that time the county of Kenosha was taken off.

My father had at one time, before his marriage, been embarked in the fur trade, and believed himself to be the first white man to penetrate to the confluence of the four rivers at what was afterwards Saginaw, Michigan. I remember his telling me, on reading of the extensive discoveries of salt deposits at that point, that the Indians of his day there

⁹ Ives Grove is a hamlet in Yorkville Township, Racine County, not now on the line of the railroad. Union Grove is a station on the Western Union division of the Chicago, Milwaukee & St. Paul Railway.—Ed.

were so guileless of knowledge of anything of the sort that they were eager to trade valuable peltries for as much salt as they could get from the white men, preferring it even to firewater. Many years later, at Racine, my father was surprised to receive a visit from a fine young Indian from Saginaw. This lad (whom my father had christened "Isaac," as that bore some semblance in sound to his Indian name) had readily learned to speak intelligible English and had been adopted by some local missionaries and instructed to preach to his Indian brethren. When he visited us he wore civilized broadcloth, had a white neckcloth, and was quite clerical in appearance. My father was glad to see him, and he remained with us several days. The following conversation was often alluded to, *à propos des bottes*, among us:

My Father: Well, Isaac, what are you doing in Saginaw now?

Isaac: Me preach.

My Father: Do you get paid for preaching, Isaac?

Isaac: Me get ten dollars year.

My Father: Ten dollars a year! Isn't that pretty poor pay, Isaac?

Isaac: Yes. But it's pretty poor preach.

As Father spoke a little Indian he often had some of the Indians, of whom there was a settlement in the vicinity (Choctaw or Chippewa,¹⁰ I think) at our house in Racine, and saw that they received without undue diminution what was coming to them from the government. They were objects of great curiosity to me, especially as I was told that there were both braves and squaws in the collection, and that the braves brought the squaws along to carry any bundles or purchases they might make in the town. (The noble red man scorned to do any work save hunting or fighting, but otherwise any difference between brave and squaw was totally invisible to the naked eye.)

¹⁰ The Indians of the Lake Michigan lake shore belonged to the Potawatomi tribe, with a considerable admixture of Chippewa. Most of them spoke Chippewa, which was the trade language of the Northwest.—ED.

Whether Racine was one of the many localities throughout Wisconsin and Minnesota that bear French names allotted by the Jesuit missionaries of New France, or not, was a question I often heard debated in our parlor at home by amateur and local archaeologists. Whether some Canadian (possibly the "John" aforesaid) merely put the name of the river into French for the voyageur, or some woodsman put the name of the town into English for the pioneer, was a problem like the darkey's dilemma whether the egg was before the chicken or the chicken before the egg. One claim was that "Root" was all that some Indian could capture from the woodsman's shibboleth "Root hog or die" (if you don't come here to work you must starve) and so gave that to some Frenchman who asked him the English name of the river, and that this Frenchman "Frenched" it for a comrade. But the question was not settled, so far as I knew, in my Racine days. Racine was situated at the mouth of Root River, and that wisdom sufficed us.

My father's law practice extended as far west as Beloit and he used to put my young mother and myself into our roomy carryall and pack his law papers somewhere under the seats, and "ride circuit" (that was—to attend the various terms of the county circuit courts before which he practiced). We would then fearsomely entrust ourselves to that mobilized plank road and get through in a day's time to some sleeping place. I remember the name of one of these sleeping places was "Marengo." It happened that there was but one house in the town (destined to be a hotel) and of this only the frame and unshingled roof were up, though a second floor was laid rendering the first story habitable. We were privileged to occupy everything above the second floor. There was a dance on the first floor with a fiddle that lasted all night; and today, after seventy years, I can hear that fiddle and the shuffling feet. We would not have been able to sleep anyhow, but when a summer shower came up, my father and mother

stayed awake to hold their umbrellas over themselves and me. I remember contrasting Beloit, where the houses seemed mostly built of a rough yellow limestone, favorably with Racine, where everything was apt to be of wood, though later a handsome straw-colored brick, called "Milwaukee brick," was used for building business blocks. This brick, and, later, the delicious Milwaukee beer—alas, now no more by amendment to our parochial constitution—which, boy though I was, my father thought would give me brawn if not brains, first introduced me to the name of Wisconsin's splendid metropolis.

My father acted as the government Indian agent in and about Racine, reporting directly to Col. John H. Kinzie at Chicago. He was also the government agent for paying pensions and securing bounties for veterans of the War of 1812 thereabouts, of whom there were several. One of these latter, a harmless old fellow of uncertain antiquity, was named Abner Rouse, and both the Republican (or Whig) and Democratic parties' ballots at every municipal election in Racine used to wind up with "For Coroner—Abner Rouse." As the duties of a coroner were at that time performable by a county judge, Abner Rouse was never bothered either by the duties or the salary or fees attached to his high office.